PETER C. HARVEY
ACTING ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07 102
Attorney for Board of Medical Examiners

FILED

April 30, 2003

NEW JERSEY STATE BOARD

OF MEDICAL EXAMINERS

By: Daniel S Goodman
Deputy Attorney General

Tel:973-648-2972

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE LICENSE OF

RICHARD G. ROBBINS, M.D. LICENSE NO: MA 56404

TO PRACTICE MEDICINE AND SURGERY IN THE STATE OF NEW JERSEY

Administrative **Action**

CONSENT ORDER OF VOLUNTARY SURRENDER WITHOUT PREJUDICE

This matter was opened to the State Board of Medical Examiners upon receipt of notice that an or about February 4, 2003, Richard Robbins, M.D. ("Respondent")was indicted on nine (9) counts of Criminal Sexual Contact in the 4th degree in Essex County, New Jersey The doctor being desirous of resolving this matter on an interim basis, and the Board having found the within disposition adequately protective of the public health, safety and welfare,

IT IS ON THIS 4 DAY OF DAY OF , 2003 ORDERED:



- 1. Respondent-Richard Robbins, M.D., is hereby granted leave and shall surrender his license to practice medicine and surgery in the State of New Jersey without prejudice, pending the final resolution of the criminal charges referenced herein, effective June **30**, 2003.
- 2. Respondent agrees to immediately employ a Board approved chaperone, at his own expense, until his surrender of licensure becomes effective. The chaperone shall be present with Respondent whenever he treats any female patients and shall ensure that Respondent remains in compliance with N.J.4.C. 13:35-6.3, which has been provided to both Respondent and the chaperone. The chaperone is also to initialize each female patient's chart to indicate the chaperone's presence at the examination and is to submit a report to the Board on a monthly basis, until Respondent's surrender of licensure becomes effective. In addition, the chaperone is to notify the Board within twenty-four (24) hours of any violation of N.J.A.C.13:35-6.3 or this chaperone agreement. [The record reflects that prior to entry of the within Order, Respondent proposed Laurel O'Shea-Arturi, a licensed optician, as his chaperone and she has been approved by the Board.]
- 3. Upon proof of final resolution of the criminal charges, Respondent is granted leave to petition for **an** appearance before a committee of the Board, at which time he shall demonstrate his fitness to engage in the practice of medicine and discuss any alleged violations of N.J.S.A. 45:1-21.
- 4. Respondent shall return his original New Jersey license and current biennial registration to the New Jersey State Board of Medical Examiners, 140 E. Front Street, P.O. Box 183, Trenton, New Jersey 08625-0183, no later than June 30, 2003.

5. Respondent shall return his original CDS registration to the New Jersey State Board of Medical Examiners, 140E. Front Street, P.O. Box 183, Trenton, New Jersey 08625-0183, no later than June 30, 2003.

6. Respondent shall advise the DEA of this Order no later than June 30,2003

7. Respondent shall comply with the "Directives Applicable to Any Medical Board Licensee who is Suspended, Revoked, or whose Surrender of Licensure has been Accepted," which is attached hereto and made a part hereof.

8. This Order is entered without prejudice to the further investigation and prosecution of this matter by the Attorney Genera!.

> NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

By: Well Harrer, M.D., B.L.D.

President

I have read and understood the within Order and agree to be bound by its terms Consent is heteby given to the Board to enter this Order

Shoa-asturi

Richard Robbins, M.D.

.

Consented to as to form:

Sharon Kean, Esq.

Laurel O'Shea-Arturi

Chaperone

DIRECTIVES APPLICABLE TO ANY MEDICAL BOARD LICENSEE WHO IS DISCIPLINED OR WHOSE SURRENDER OF LICENSURE HAS BEEN ACCEPTED

APPROVEQ BY THE BOARD ON MAY 10, 2000

All licensees who are the subject of a disciplinary order of the Board are required to provide the information required on the Addendum to these Directives. The information provided will be maintained separately and will not be part of the public document filed with the Board. Failure to provide the information required may result in further disciplinary action for failing to cooperate with the Board, as required by N.J.A.C. 13:45C-1 et seq. Paragraphs 1 through 4 below shall apply when a license is suspended or revoked or permanently surrendered, with or without prejudice. Paragraph 5 applies to licensees who are the subject of an order which, while permitting continued practice, contains a probation or monitoring requirement.

1. Document Return and Agency Notification

The licensee shall promptly forward to the Board office at **Post** Office Box 183, 140 **East** Front Street, **2nd** floor, Trenton, New Jersey 08625-0183, the **original** license, current biennial registration and, if applicable, the original CDS registration. In addition, if the licensee **holds** a Drug Enforcement Agency (DEA) registration, he or she **shall** promptly advise the **DEA** of the licensure action. (With respect to suspensions of a finite **term**, at the conclusion of the term, the licensee may contact the Board office for the return of **the** documents previously surrendered to the Board. In addition, at the conclusion of the term, the licensee should contact the **DEA** to **advise** of the resumption **of** practice and **Po ascertain** the impact of that change **upon** hisher **DEA** registration.)

2. Practice Cessation

This prohibition not only bars a licensee from rendering professional services, but also from providing an opinion as to professional practice or its application, or representing himlherself as being eligible to practice. (Although the licensee need not affirmatively advise patients or others of the revocation, suspension or surrender, the licensee must truthfully disclose his/her licensure status in response to inquiry.) The disciplined licensee is also prohibited from occupying, sharing or using office space in which another licensee provides health care services. The disciplined licensee may contract for, accept payment from another licensee for or rent at fait market value office premises and/or equipment. In no case may the disciplined licensee authorize, allow or condone the use of his/her provider number by any health care practice or any other licensee or health care provider. (Insituations where the licensee has been suspended tor less than one year, the licensee may accept payment from another professional who is using his/her office during the period that the licensee is suspended, for the payment of salaries for office staff employed at the time of the Board action.)

A licensee whose license has been revoked, suspended for one (1) year or more or permanently surrendered must remove signs and take affirmative action to stop advertisements by which his/her eligibility to practice is represented. The licensee must also take steps to remove his/her name from professional listings, telephone directories, professional stationery, or billings. If the licensee's name is utilized in a group practice title, it shall be deleted. Prescription pads bearing the licensee's name shall be destroyed. A destruction report form obtained from the Office of Drug Control (973-504-6558) must be filed. If no other licensee is providing services at the location, all medications must be removed and returned to the manufacturer, if possible, destroyed or safeguarded. (In situations where a license has been suspended for less than one year, prescription pads and medications need not be destroyed but must be secured in a locked place for safekeeping.)

3. Practice Income Prohibitions/Divestiture of Equity Interest in Professional Service Corporations and Limited Liability Companies

A licensee shall not charge, receive or share in any fee for professional services rendered by him/herself or others while barred from engaging in the professional practice. The licensee may be compensated for the reasonable value of services lawfully rendered and disbursements incurred on a patient's behalf prior to the effective date of the Board action.

A licensee who *is a* shareholder in a professional service corporation organized to engage in the professional practice, **whose** license is **revoked**, surrendered or **suspended** for a term of one (1) year or more shall be deemed to be disqualified from the practice within *the* meaning of the Professional Service Corporation Act. (N.J.S.A. 14A:17-11). A disqualified licensee shall **divest** him/herself **of** all financial interest in the professional service corporation pursuant to N.J.S.A. 14A:17-13(c). A licensee who is a member of a limited liability company organized pursuant to N.S.S.A. 42:1-44, shall **divest** him/herself of all financial interest. Such divestiture shall occur within 90 days following the the entry **of** the Order rendering the licensee disqualified to participate in the applicable form of ownership. Upon divestiture, a licensee **shall** forward to the Board a copy of documentation forwarded to the Secretary of **State**, Commercial Reporting Division, demonstrating that the interest has **been** terminated. If the licensee is the sole shareholder in a professional service corporation, the corporation must **be** dissolved within 90 days of the licensee's disqualification.

4. Medical Records

If, **as** a **result** of the Board's action, a practice is closed or transferred to another location, the licensee shall ensure that during the three (3) month period foltowing the effective date of the disciplinary order, a message will **be** delivered to patients calling the former office premises, advising where records may **be** obtained. The **message** should inform **patients** of **the** names and telephone numbers of the licensee (or his/her attorney) **assuming** custody of the records. The same information **shall also be** disseminated by means of a notice to **be published** at least once **per** month for three (3) months in a newspaper of

1

general circulation in the geographic vicinity in which the practice was **conducted**. At the **end** of the three month period, the licensee **shall** file with the **Board** the name and telephone number of the contact person who will have access to medical records of former patients. Any change in that individual or his/her telephone number shall **be** promptly reported to the Board. When a patient or his/her representative requests a **copy** of his/her medical record or asks that record be **forwarded** to another health care provider, the licensee shall promptly provide the record without charge to the patient.

5. Probation/Monitoring Conditions

With respect to any licensee who is the **subjedt** of any **Order** imposing a probation or monitoring requirement or a **stay** of an active suspension, in **whole** or in part, which is conditioned upon compliance with a probation **or** monitoring requirement, the **licensee** shall **fully** cooperate with **the Board and its designated** representatives, including **the** Enforcement Bureau of the Division of Consumer Affairs, in ongoing monitoring **of** the licensee's **status and** practice. Such monitoring shall be **at** the **expense** of the disciplined practitioner.

- (a) Monitoring of practice conditions may include, **but** is not limited to, inspection of the professional premises and equipment, and Inspection **and** copying **of** patient records (confidentiality of patient identity **shall be** protected **by** the Board) to verify compliance **with** the Board Order and accepted **standards** of practice.
- (b) Monitoring of status conditions for an impaired practitioner may include, but is not limited to, practitioner cooperation in providing releases permitting unrestricted access to records and other information to the extent permitted by law from any treatment facility, other treating practitioner, support group or other individual/facility involved in the education, treatment, monitoring or oversight of the practitioner, or maintained by a rehabilitation program for impaired practitioners. If bodily substance monitoring has been ordered, the practitioner shall fully cooperate by responding to a demand for breath, blood, urine or other sample in a timely manner and providing the designated sample.

ADDENDUM

Any licenseewho is the subject of an order of the Board suspending, revoking or otherwise conditioning the license, shall provide the following information at the time that the order is signed, if it is entered by consent, or immediately afterservice of a fully executed order entered after a hearing. The information required here is necessary for the Board to fulfill its reporting obligations:

Social Security Number':
List the Name and Address of any and all Health Care Facilities with which you are affiliated:
List the Names and Address of any and all Health Maintenance Organizations with which you are affiliated:
Provide the names and addresses of every person with whom you are associated in you
professional practice: (You may attach a blank sheet of stationery bearing this information)

Pursuant to 45 CFR Subtitle A Section 61.7and 45 CFR Subtitle A Section 60.8 the Board is required to obtain your Social Security Number and/or federal taxpayer identification number in order to discharge its responsibility to report adverse actions to the National Practitioner Data Bank and the HIP Data Bank.

NOTICE OF REPORTING PRACTICES OF BOARD REGARDING DISCIPLINARY ACTIONS

Pursuant to N.J.S.A. 52:14B-3(3), all **orders** of the **New** Jersey State Board of Medical Examiners are available for public inspection. Should any inquiry be made **concerning** the status of a licensee, the inquirer will be informed of the existence of the order and a copy will be provided if requested. All evidentiary hearings, proceedings on motions or other applications which are conducted as public hearings and the record, including the transcript **and** documents marked in evidence, **are** available for public inspection, upon **request.**

Pursuant to 45 CFR Subtitle A 60.8, the **Board is** obligated to report to the National Practitioners Data Bank any action relating to a physician which is based **on** reasons relating to professional competence or professional conduct:

- (1) Which revokes or suspends (or otherwise restricts) a license,
- (2) Which censures, reprimands or places on probation,
- (3) Under which a license is surrendered.

Pursuant to 45 **CFR** Section 61.7, the **Board** is obligated to **report** to the Healthcare Integrity and Protection (HIP) Data Bank, any formal or official actions, such as revocation or suspension of a license (and the length of any **such** suspension), reprimand, censure or probation or any other loss of license or the **right** to apply for, or renew, a license of the provider, supplier, or practitioner, whether by operation of law, voluntary surrender, non-renewability, or otherwise, or any other negative action or finding by such Federal or State agency that is publicly available information.

Pursuant to N.J.S.A.45:9-19.13, if the Board refuses to issue, suspends, revokes or otherwise places conditions on a license or permit, it is obligated to notify each licensed health care facility and health maintenance organization with which a licensee is affiliated and every other board licensee in this state with whom he or she is directly associated in private medical practice.

In **accordance** with an agreement with the Federation of State Medical Boards d the United States, a list of all disciplinary **orders** are provided to that organization on a monthly basis.

Within the month following entry of an order, a summary of the order will **appear** on the **public agenda** for the **next monthly** Board meeting and is forwarded to those members of the public requesting a copy. In addition, the **same summary** will appear in the **minutes** of **that** Board meeting, which are also made available to those requesting a copy.

Within the month following entry of an order, a summary of the order will appear in a Monthly Disciplinary Action Listing which is made available to those members of the public requesting a copy.

On a periodic basis the Board disseminates to its licensees a newsletter which includes a brief description of all of **the** orders entered by the Board.

From time to time, the Press Office of the Division of Consumer Affairs may issue releases including the summaries of the content of public orders.

Nothing herein is intended in any way to limit the Board, **the** Division or the Attorney General from disclosing any public document.